



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAR 30 2005

400 Seventh Street, S.W.
Washington, D.C. 20590

Ms. Robin E. Bolte
Safety and Regulatory Compliance Manager
Allied Universal Corporation
3901 N.W. 115 Avenue
Miami, FL 33178

Reference No.: 05-0034

Dear Ms. Bolte:

This responds to your letter concerning the marking and placarding requirements for import shipments of materials poisonous by inhalation under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You describe the following scenario: your company received, by vessel from Jamaica, a freight container loaded with cylinders that previously contained "Chlorine." The cylinders have not been cleaned and purged. The freight container was placarded with one Division 2.3 placard displaying the wording "Toxic Gas;" the other Division 2.3 placard displayed the ID number for Chlorine. Additionally, the freight container was marked "Marine Pollutant" and placarded "Corrosive" for the subsidiary hazard.

Your questions are paraphrased and answered as follows:

Q1. Does the International Maritime Dangerous Goods (IMDG) Division 2.3 placard displayed on the freight container satisfy the placarding requirements of the HMR?

A1. The answer depends on the movement of the freight container after arrival within the U.S. In accordance with § 171.12(b)(8)(vi), a freight container placarded in conformance with the IMDG Code placard specifications for "Class 2.3" or "Class 6.1" does not have to be re-placarded POISON GAS or POISON INHALATION HAZARD in accordance with subpart F of the HMR when moving within a single port area, including contiguous harbor. For subsequent transportation outside a single port area, the freight container must be placarded POISON GAS or POISON INHALATION HAZARD in accordance with Subpart F of the HMR. See § 171.12(b)(8)(v).

Q2. Is the ID number marking requirement determined by the quantity of hazardous material in the freight container?

A2. Notwithstanding the marking requirements for freight containers in § 172.313(c)(2), under the provisions of § 171.12(b)(8)(v), a freight container must be marked with the ID number for the hazardous material regardless of the total quantity contained in the freight container.



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Q3. May the ID number be displayed on a placard when the shipment consists of non-bulk packages with a total weight less than 2,205 lbs.?

A3. The HMR do not prohibit marking a packaging with the ID number provided the ID number represents the hazardous material in the packaging. Similarly, placards may be displayed for a hazardous material, even when not required, provided the placarding otherwise conforms to the requirements of the HMR. (See §§ 172.303 and 172.502.)

Q4. Are subsidiary placards required on a Chlorine shipment, and if so, where should the subsidiary placard and the Marine Pollutant placard be placed in relation to the placard representing the primary hazard.

A4. Although the Hazardous Material Table identifies a subsidiary hazard, Class 8, for the entry "Chlorine" in column (6) Label Codes, placarding for the subsidiary risk is not required, but is permissible. See § 172.505. The HMR do not specify how to display the primary and subsidiary placards in relation to each other; however, each placard must be clearly visible from the direction it faces. The "Marine Pollutant" mark must appear on each side and each end of the freight container, and must also be visible from the direction it faces.

Q5. Is § 173.29(b) applicable to the Chlorine cylinders being returned by our customer?

A5. Section 173.29(b) does not apply to your cylinders because they contain residue of a hazardous material and have not been cleaned and purged.

I trust this satisfies your inquiry.

Sincerely,



Hattie L. Mitchell

6~ Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Safety



Corbin
\$172.500
\$172.300
Marking/Placarding
05-0034

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February 4, 2005

Mr. Edward Mazzullo
Director of Hazardous Materials Standards Development
Office of Hazardous Materials Standards Development
Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

VIA FACSIMILE: 202-366-3012

Re: Import and Export Shipments

Dear Mr. Mazzullo:

Mr. Edward Hays and I had a healthy discussion regarding a freight container returning to my company, Allied Universal Corporation, from Jamaica. Mr. Hays is a cargo inspector at a port in South Florida, and he advised me that my freight container was placard incorrectly. After a phone call and e-mail exchange, as well as three calls to your hazardous materials hotline, he and I agreed that we would like a written interpretation to bring clarity to our disagreement on the regulations.

Background: Allied Universal Corporation has a customer in Jamaica. The customer buys one hundred and fifty pound cylinders of Chlorine from us, a Class 2.3 Hazard Zone B hazardous material. The freight container in question was returning from our Jamaican customer with empty cylinders of Chlorine. By empty, I mean residue last contained. They were not cleaned and purged, and contained Chlorine residue at a minimum.

The freight container was placarded in conformance with IMDG Code placard specifications for Class 2.3. One 2.3 placard displayed the wording "Toxic Gas" and the other 2.3 placard displayed the identification number "1017". In addition to these two placards, the freight container was placarded with the Marine Pollutant placard and the Class 8 placard.

Questions:

- 1) Under 49 CFR 172.502(b) and an interpretation written for me, Reference Number 02-0056, I assumed the IMDG placard for Class 2.3 was acceptable. Am I correct to make such an assumption on the freight containers we are exporting as well as importing?
- 2) Under 49 CFR 171.12(b)(8)(v), I assumed the freight container must be marked with the identification number for the Class 2.3 hazardous material, regardless of the quantity inside the freight container. This section refers you to 49 CFR 172.313(c), which contains special provisions and limitations for this marking requirement. However, my assumption is that any provisions, exceptions or limitations offered under this section do not apply as the wording in 171.12(b)(8)(v) requiring the freight container to be marked at any quantity with the identification

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Allied Universal Corporation

number precludes the 2,205 pounds rule for a Hazard Zone B material or any other limitation offered in 172.313(c). Am I correct to assume that all freight containers with a Class 2.3 hazardous material being exported or imported must always be marked with the identification number for the hazardous material regardless of the size of the package and/or quantity contained?

- 3) Are we allowed to display the identification number on the placard for shipments of hazardous materials even when the identification number is not required? For example, all shipments of Chlorine, even when the shipment is a shipment of non-bulk packages of Chlorine in a quantity less than 2,205 pounds, may we display the identification number in the Class 2.3 placard even though it is not required? Another example, non-bulk packages of Sulfur Dioxide, Class 2.3 Hazard Zone C, being shipped. May we display the identification number in the Class 2.3 placard even though it is not required? I could not find anything under 49 CFR 172.503 and 172.334 prohibiting such action (as long as the identification number is correct, and you are transporting the hazardous material for which the identification number is being displayed).
- 4) I am unaware of any subsidiary hazard placarding display requirements. I am only aware of the requirements listed in 49 CFR 172.516, and to the best of my knowledge there is no specification for how close or where a subsidiary hazard placard is to be placed in association with the primary hazard placard. Mr. Hays stated that the subsidiary hazard placards, which I assumed to be Class 8 and Marine Pollutant, had to be placed near the primary hazard placard, touching a side or within so many inches. Is there such a requirement?
- 5) Am I correct to assume that 49 CFR 173.29(b) is not applicable to our hazardous material (Class 2.3) cylinders being returned from our customers as the packages contain hazardous residue?

Mr. Hays did release our freight container from the South Florida port despite our different interpretations of the regulations. However, to prevent future problems, your haste in responding to this request for a written interpretation on the asked questions would be greatly appreciated.

If you should have any questions, please call me at 800-981-6700, extension 183 or RobinE@Allieduniversal.com.

Thank you.

Sincerely,



Robin J. Eddy Bolte
Safety and Regulatory Compliance Manager
Allied Universal Corporation